

TRULINCS 76060066 - MILCHIN, MICHAEL - Unit: FAI-E-A

FROM: 76060066
 TO: Milchin, Maya
 SUBJECT: save
 DATE: 07/20/2023 09:13:56 PM

United states of America
 v.
 Michael Milchin

Case # 17-284-1

Reply to the governments response to motion 3582 motion to reduce sentence.

In response to the governments claim 1. the government states that it appears that my mother has my father and her son who lives near by to be her care taker. I direct the court to exhibit (1) an affidavit from my mother stating that I am the only family member available to be her care taker, I also direct the court to exhibit (2) of my fathers affidavit of his declining health issues and how he cant not attend to her full time needs. The other son who the government states lives near by who they are not in contact with and lives at an unknown address. I think with my mothers declaration and my fathers declaration they are in a better position to know who is available in our family to care for my mother than the government. All the information used by the government is from a PSR that dates 2018 a lot has changed in the family that the government could not have any info on the current family dynamics or health of any other family member including my father.

In claim 2 . In governments response to the harshness of condition of prison during the pandemic involving occasional lockdowns and ameliorative measures taken to mitigate the spread of covid-19 but these circumstances are not unique to him. I take this as a concession at the harshness of prison life during a once in a life time pandemic with lockdowns, and restrictions including no visits for a period of almost 3 years. I direct the court to the circuits around the country who have recognized this along with rehabilitation, good conduct and family ties have granted sentence reductions. United states v. Kitroser 2nd(SDNY) 15-cr-19-1, United states v. Bentley Clausen 3rd(EDPA) 00-291-2, United states v. Anthony Russo 2nd(EDNY) 92-cr-351, United states v. Wender Santos 1st(Maine)2:16-cr-174-JDL, United States v. Frederick Amerson Lexis 120004 (EDNY July 12,2023). Courts have placed significant weight on post sentencing conduct because it provides the most up to date picture of his characteristics (Pepper v. United States 562U.S.476,492,131 S.CT.1229,179 L.ED.2D196).Mr. Milchin has over 3 plus years of clean conduct, no history of violence in or out of the BOP , currently is at a fenceless camp, has a criminal history score of (zero) , has out custody status, has earned 365 days off thru FSA programming and good behavior , has over 20 educational classes including drug ED, Parenting, Anger management and finished a 1000 hour teacher aide apprentice where milchin facilitated inmates to acquire there GED. He has shown extensive rehabilitation and that has been noted by the BOP with his transfer to a camp and being awarded 1 year off for FSA and another 390 days toward half way house or home confinement. (see certificates and programming report, and FSA calculation submitted with original motion). Rehabilitation efforts can and should be considered.ID (see United States v. Lancaster 997F.3D171175 4th 2021) considering conduct after his initial sentence.

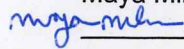
In Claim 3 The government concedes that Milchin qualifies for the 2 point reduction (2 level reduction for zero criminal history) What the government states is a modest reduction is not infact modest at all. The sentencing guidelines will change from the date of sentencing being 135-168 month with the new guidelines being 108-135 month which is far from a modest reduction. If the court were to give Milchin the bottom end of the guidelines Milchin would be moved directly to supervised release bypassing halfway house which he has no need for since he has a home with family and release plan. In Conclusion all Milchin is asking for is the basic reduction of 33 months for the minus 2 level zero criminal history and for the court to grant Milchin an additional 27 months for rehabilitation , good conduct, family ties, and the hardship of covid for the past 3 years where he was completely separated from his family and children. There is no question that the same man asking for the reduction is not the man who was sentenced in 2018 , milchin is now 43 years old with more than 6 years of prison time done and has been in 5 Federal facilities in these 6 years this is a older and wiser man who has come to grips with his mistakes and the pain he has caused the community and loved ones. He is looking for a chance to right the wrongs and get back with his family during this difficult time where his mothers future is unknown and she needs her son to help her fight thru these difficult times, have a chance to be a father to his 2 children who are now 11 and 13 and have missed there father since 2017. Milchin believes this second chance in life is warranted with his hard work over the past years and Milchin prays the court will grant this 3582 in a timely matter as every day matters for his mother. In combination with everything milchin believes this is enough in totality to receive this reduction from the court and prays the court grants this motion.

 7-20-2023

EXHIBIT 1

I Maya Milchin hereby declare pursuant to 28 U.S.C. 1746. I Maya Milchin am 65 years old suffering from Colon Cancer I am scheduled for Radiation, Chemo therapy and surgery in the immediate future. At this point in my life the care taker that I would need is my son Michael Milchin, he is the only one that could be my soul care taker, although there are other family members these family members are not in a position to be my full time care taker. My husband who I live with is currently 69 years old and not in great health who just had a full hip replacement can not take full responsibility to being my sole care taker.

I have reviewed the information reviewed in this declaration I declare under the pains and penalty of perjury that the contents are true and correct to the best of my knowledge

Maya Milchin
_____

Date 7/17/23

EXHIBIT 2

I Osip Milchin hereby declare pursuant to 28 U.S.C. 1746. I Osip Milchin am 69 years old last year I had a complete and full hip replacement, I am still in recovery today and am in no position to take on the responsibility of care taker for my wife needs, she will require daily treatment for radiation , chemo therapy and surgery aswell as post rehabilitation. My son Richard Milchin who now lives somewhere in New Jersey we have no contact with. The only healthy and available family member to care for my wife would be our son Michael Milchin on a full time basis.

I have reviewed the information reviewed in this declaration I declare under the pains and penalty of perjury that the contents are true and correct to the best of my knowledge.

Osip Milchin



Date

7/17/23

Michael Mitchell

76060-066

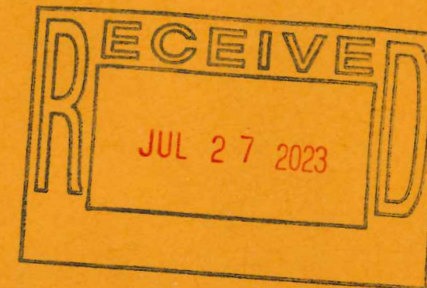
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7-20-2023